

Summary of Recently Revised Policies and Policy Framework - January 2019 Updates -- Bulletin-16

This Bulletin provides a summary of policies recently revised, rescinded and introduced, and a revision to the Policy Framework.

Policy Framework

The Policy Framework has been revised effective December 13, 2018, to provide WorkplaceNL's Policy, Research and Internal Review Department with discretion to make policy reference updates as a result of legislation, regulation or policy being revised or rescinded, so long as the updates do not alter the meaning or intent.

Coverage Policies

CO-02 Compensation Coverage – Workers in Labour Market Re-Entry Programs

Effective December 13, 2018, this policy was rescinded as the policy is redundant. Coverage on claims for subsequent injuries that occur while a worker is engaged in a labour market re-entry (LMR) program is managed under Policy EN-19, Arising Out of and in the Course of Employment. In addition, Section 80(1) and 80(6) of the Workplace Health, Safety and Compensation Act, and Policy EL-01, Earnings Loss – Benefit Calculation support a worker receiving a fair and equitable compensation rate following an injury that arose out of and in the course of a LMR program.

Entitlement Policies

EN-02 Proportionment

Effective December 13, 2018, the policy was revised as follows:

- changed the income replacement rate from “80 per cent” to “85 per cent” as a result of the legislative amendment to increase the income replacement rate effective April 1, 2018;
- modernized the income replacement rate language;
- updated a position title;
- updated the reference to the Act; and
- added the reference to Policy EN-01, Permanent Functional Impairment to the “Reference” section of the policy.

EN-22 Merits and Justice

This new policy is effective December 13, 2018. The policy provides guidelines on applying the merits and justice principles to decision making. WorkplaceNL has a legislative responsibility to

consider the individual circumstances of a specific case when applying existing provisions of the Workplace Health, Safety and Compensation Act (the Act) or policies, or when there are no provisions in place to address the particular matter being reviewed.

These adjudication principles require that WorkplaceNL recognize cases where exceptional circumstances exist and ensure the decision rendered is fair and reasonable considering those circumstances. Where the application of existing provisions would result in an unfair outcome, then departure from the relevant policy may be necessary in exceptional circumstances.

Earnings Loss Policies

EL-01 Earnings Loss – Benefit Calculation

Effective December 13, 2018, the policy was revised as follows:

- changed the income replacement rate reference from “80 per cent” to “85 per cent” and updated the effective date as a result of the legislative amendment to increase the income replacement rate effective April 1, 2018;
- modernized the income replacement rate language; and
- added the reference to Policy CO-01, Coverage for Commercial Fishers to the “Reference” section of the policy.

EL-03(R) Canada Pension Disability to be Deducted

Effective December 13, 2018, the policy was revised as follows:

- changed the income replacement rate from “80 per cent” to “85 per cent” as a result of the legislative amendment to increase the income replacement rate effective April 1, 2018; and
- added the reference to Policy EL-03, Integration of CPP Disability Benefits and WorkplaceNL Benefits to the “Reference” section of the policy.

EL-06 Conversion of pre-1984 Claims

Effective December 13, 2018, the policy was revised as follows:

- updated the income replacement rates and effective dates used for calculating compensation benefits as a result of the legislative amendment to increase the income replacement rate effective April 1, 2018.

Return to Work Policies

RE-02 The Goal of Early and Safe Return to Work and the Roles of the Parties

Effective December 13, 2018, the policy was revised as follows:

- changed the income replacement rate from “80 per cent” to “85 per cent” as a result of the legislative amendment to increase the income replacement rate effective April 1, 2018; and,
- added the policy titles for references to policies RE-18, Hierarchy of Return to Work and Accommodation, and RE-03, Functional Abilities Information for Return to Work.